United States Court of Appeals

for the Second Circuit

ADDENDUM

75-1268

United States Court of Appeals

For the Second Circuit

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

vs.

JACK L. CHESTNUT,

Defendant-Appellant.

APPEAL FROM UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

APPELLANT'S ADDENDUM OF STATUTES

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UNITED STATES COURT OF APPEALS
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I. Tillman Act 1907:

It shall be unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for, or any election by any State legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be fined not more than five thousand dollars; and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. (Jan. 26, 1907, c. 420, 34 Stat. 864) (renumbered in Criminal Code Act, March 4, 1909, c. 321, § 83, 35 Stat. 1103) (repealed by Corrupt Practices Act, Feb. 28, 1925, *infra*)

II. Federal Corrupt Practices Act of 1925.

2 U.S.C. Section 241. Definitions. When used in this chapter—

(a) The term "election" includes a general or special election, and, in the case of a Resident Commissioner from the Philippine Islands, an election by the Philippine Legislature, but does not include a primary election or convention of a political party;

(b) The term "candidate" means an individual whose name is presented at an election for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

(c) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

(d) The term "contribution" includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable to make a contribution;

(e) The term "expenditure" includes a payment, distribution, loan, advance deposit, or gift, of money, or any thing of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;

(f) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

(g) The term "Clerk" means the Clerk of the House of Representatives of the United States;

(h) The term "Secretary" means the Secretary of the Senate of the United States;

(i) The term "State" includes Territory and possession of the United States. (June 25, 1910, c. 392 §§ 1, 8, 36 Stat. 822*; Aug. 19, 1911, c. 33, § 2, 37 Stat. 26; Aug. 23, 1912, c. 349, 37 Stat. 360; Feb. 28, 1925, c. 368, Title III, § 302, 43 Stat. 1070.) (Repealed and superceded Pub.L. 92-225, Title IV, § 405, Feb. 7, 1972, 86 Stat. 20 see 2 U.S.C. § 431, Pub.L. 92-225, Title III, § 301, Feb. 7, 1972, 86 Stat. 11.)

2 U.S.C. § 251. **Contributions by national banks or other Federal corporations; penalty.** It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution in connection with any elelction to any political office, or for any corporation whatever to make a contribution in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or for any candidate political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation which makes any contribution in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation who consents to any contribution by the corporation in violation of this section shall be fined not more than $1,000, or imprisoned not more than one year, or both. (Jan. 26, 1907, c. 420, 34 Stat. 864; Mar. 4, 1909, c. 321 § 83, 35 Stat. 1103; Feb. 28, 1925, c. 368, Title III, § 313, 43 Stat. 1074.) (Repealed and superceded by *Taft Hartley Act, supra*, June 25, 1948, c. 645, § 21, 62 Stat. 862)

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* ", 824" should be added.

III. Taft-Hartley Act of 1948 as amended; this is the act applicable to this case:

18 U.S.C. § 591. Definitions. When used in sections 597, 599, 602, 609 and 610 of this title—

The term "election" includes a general or special election, but does not include a primary election or convention of a political party;

The term "candidate" means an individual whose name is presented for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one state if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

The term "contribution" includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement to make a contribution, whether or not legally enforceable;

The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or anything of value, and includes a contract, promise, or agreement to make an expenditure, whether or not legally enforceable;

The term "person" or the term "whoever" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

The term "State" includes Territory and possession of the United States. June 25, 1948, c. 645, 62 Stat. 719; May 24, 1949, c. 139 § 9, 63 Stat. 90.

18 U.S.C. § 608. Limitations on political contributions and purchases

(a) Whoever, directly or indirectly, makes contributions in an aggregate amount in excess of $5,000 during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office, including the offices of President of the United States and Presidential and Vice Presidential electors, or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or in any Territory or Possession of the United States.

(b) Whoever purchases or buys any goods, commodities, advertising, or articles of any kind or description, the proceeds of which, or any portion thereof, directly or indirectly inures to the benefit of or for any candidate for an elective Federal office including the offices of President of the United States, and Presidential and Vice Presidential electors or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success

of any national political party, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

This subsection shall not interfere with the usual and known business, trade, or profession of any candidate.

(c) In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation, shall be punished as herein provided.

(d) The term "contribution", as used in this section, shall have the same meaning prescribed by section 591 of this title. June 25, 1948, c. 645, 62 Stat. 723.

18 U.S.C. § 610. Contributions or expenditures by national banks, corporations or labor organizations

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section.

Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, and any person who accepts or receives any contribution, in violation of this section, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

For the purposes of this section "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exist for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. June 25, 1948, c. 645, 62 Stat. 723; May 24, 1949, c. 139, § 10, 63 Stat. 90; Oct. 31, 1951, c. 655 § 20 (c), 65 Stat. 718.

IV. Federal Election Campaign Act of 1971; this is the statute attached to the indictment:

18 U.S.C. § 610. Contributions or expenditures by national banks, corporations or labor organizations

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section.

Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, and any person who accepts or receives any contribution, in violation of this section, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

For the purposes of this section "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exist for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

As used in this section, the phrase "contribution or expenditure" shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization: *Provided,* That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction.

As amended Feb. 7, 1972, Pub. L. 92-225, Title II, § 205, 86 Stat. 10.

Despite the addition of the last paragraph of definition to § 610, the same act amended § 591 as well:

18 U.S.C. § 591. Definitions

When used in sections 597, 599, 600, 602, 608, 610, and 611 of this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose; and

(5) notwithstanding for foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals

volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

(3) a transfer of funds between political committees;

(g) "person" and "whoever" mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

(h) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

As amended Sept. 22, 1970, Pub.L. 91-405, Title II, § 204(d)(4), 84 Stat. 853; Feb. 7, 1972, Pub.L. 92-225, Title II, § 201, 86 Stat. 8.

V. Federal Election Campaign Act Amendments of 1974; See

Pub.L. 93-443, Title I, §§ 101 (f) (2), 102, 88 Stat. 1268, 1269 for amendments to § 591; Title I, § 101 (a), (b), 88 Stat. 1263, 1266, for amendments to § 608; Title I, § 101 (e) (1), 88 Stat. 1267, for amendments to § 610.

2 U.S.C. § 455. Period of limitations—Three year period

(a) No person shall be prosecuted, tried, or punished for any violation of subchapter I of this chapter or of section 608, 610, 611, 613, 614, 1615, 616, or 617 of Title 18, unless the indictment is found or the information is instituted within 3 years after the date of the violation.

Effective date; acts or omissions, legality; pending proceedings

(b) Notwithstanding any other provision of law—

(1) the period of limitations referred to in subsection (a) of this section shall apply with respect to violations referred to in such subsection committed before, on, or after the effective date of this section; and

(2) no criminal proceeding shall be instituted against any person for any act or omission which was a violation of any provision of subchapter I of this chapter, or section 608, 610, 611, or 613 of Title 18, as in effect on December 31, 1974, if such act or omission does not constitute a violation of any such provision, as amended by the Federal Election Campaign Act Amendments of 1974.

Nothing in this subsection shall affect any proceeding pending in any court of the United States on the effective date of this section.

Pub.L. 92-225, Title IV, § 406, as added Pub.L. 93-443, Title III, § 302, Oct 15, 1974, 88 Stat. 1289.

AFFIDAVIT

State of Minnesota

County of Ramsey—ss.

Carolyn Grudt, being first duly sworn, states that s he is an employe of Review Publishing Company, 287 East Sixth St., St. Paul, Minnesota.

That on the 28th day of August, 1975 2 copies of

Appellant's Addendum of Statutes

Case No. 75-1268 United States Court of Appeals for the Second Circuit

United States of America, Plaintiff-Appellee,

vs. Jack L. Chestnut, Defendant-Appellant

Appeal from United States District Court Southern District of

New York

were mailed by first class mail, postage prepaid, to the following named persons at the addresses shown: Paul J. Curran, U.S. Attorney

Attention: Mr. Eugene F. Bannigan, Esq.

Assistant United States Attorney

Southern District of New York

1 St. Andrews Plaza

New York, New York 10007

Carolyn Grudt

Subscribed and sworn to before me this 28th

day of August, 1975.

Mildred M. Seeley

MILDRED M. SEELEY
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Comm. Expires Aug. 24, 1979